

APPEAL NO. 043237
FILED JANUARY 31, 2005

This appeal on remand arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was initially held on April 13, 2004, with (hearing officer 1). In Texas Workers' Compensation Commission Appeal No. 041054, decided July 1, 2004, we remanded the case for reconstruction of the record. On remand a CCH was set for August 8, 2004, and continued because of a scheduling conflict. The CCH on remand was held on September 29, 2004, with a second session held and the record closing on November 30, 2004, with (hearing officer 2) during both the September 29, 2004, and November 30, 2004 sessions. Hearing officer 2 resolved the disputed issues by deciding that on _____, the respondent (claimant) sustained a compensable injury and had disability beginning on September 4, 2003, and continuing through the date of the CCH. The appellant (carrier) appealed, arguing that the overwhelming weight of the evidence demonstrated that the claimant did not have an accident on _____. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____, and that he had disability from September 4, 2003, through the date of the CCH. Those issues presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was persuaded that the claimant sustained his burden of proving that he sustained a compensable injury as a result of his work activities on _____, and that he had disability for the period found. Our review of the record reveals that the hearing officer's injury and disability determinations are supported by sufficient evidence and are not so contrary to the overwhelming weight of the evidence as to be clearly wrong or unjust. Thus, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). This is so even though another fact finder might have drawn other inferences and reached other conclusions. Salazar, et al. v. Hill, 551 S.W.2d 518 (Tex. Civ. App.-Corpus Christi 1977, writ ref'd n.r.e.).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET, SUITE 300
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Robert W. Potts
Appeals Judge